

ORDINANCE NO. 05-272

ORDINANCE OF THE COUNCIL OF THE CITY OF LOS ALTOS
REPEALING CHAPTER 9.08 ENTITLED "HANDBILLS" IN ITS ENTIRETY
AND REPLACING IT WITH A NEW CHAPTER 9.08 ENTITLED
"HANDBILLS"

WHEREAS, adopting laws which protect the safety and security of the residents of the City of Los Altos while in their residences is of great importance to the City Council and is within the police power of the City; and

WHEREAS, the City Council has determined that the City's existing ordinance regulating handbills should be amended to reflect the United States Supreme Court's most recent opinion on the constitutionality of the laws regulating handbills as well as applicable state laws and regulations; and

WHEREAS, the City Council finds and determines that there are a considerable number of citizens that are adversely affected by persons, without consent, throwing, casting, distributing, scattering, and depositing handbills, dodgers, circulars, fliers, newspapers, booklets, posters, printed matter, and advertising literature upon public and private property.

NOW THEREFORE, the City Council of the City of Los Altos does ordain as follows:

SECTION 1. Chapter 9.08 of Title 9 of the Los Altos Municipal Code entitled "Handbills" is hereby deleted in its entirety and replaced with a new Chapter 9.08 to read as follows:

Sec. 9.08.010. Posting or Distributing Notices.

- (a) No person, except a duly authorized public official or employee, shall erect, construct, or maintain, paste, paint, print, nail, tack, or otherwise fasten or affix any card, banner, handbill, poster, sign, advertisement, or notice of any kind, or without cause or suffer the same to be done on any curbstone, lamppost, pole, bench, hydrant, bridge, wall, tree, sidewalk, wire, fence, telephone booth or similar structure in or upon any public street, alley, or upon any other public property, except as may be required or permitted by ordinance or law; and no person shall deface, mar, or disfigure any bridge, fence, building, or other structure belonging to the City, or any tree located in any public property or place, by painting, cutting, scratching, or breaking the same, or attaching or affixing anything thereto.
- (b) No person, except a duly authorized public official or employee acting pursuant to the law, shall erect, construct, or maintain, paste, paint, print, nail, tack, or otherwise fasten or affix, any card, banner, handbill, poster, sign, advertisement, or notice of any kind, or cause or suffer the same to be done, on any privately owned property or structure without first obtaining the permission of the owner, agent, or occupant thereof.

Sec. 9.08.020. Printed Matter and Advertising Literature – Distribution on Public Places Unlawful – Exception.

It is unlawful for any person, firm, or corporation to throw, cast, distribute, scatter, deposit or place within the City of Los Altos, including streets, alleys, and public parks, any handbill, dodger, circular, flier, newspaper, booklet, poster, printed matter, advertising literature, or advertising sample or device, except that the same may be personally delivered to those who are willing to accept the same.

Sec. 9.08.030. Sign Prohibiting Delivery of Certain Matter Lawful.

- (a) It is lawful for the owner or occupant of any property to place a sign in a conspicuous place near the front door thereof, to the effect that it is not desired that any printed matter, advertising sample, or device, be delivered to said property; and it is unlawful to deliver any printed matter or advertising sample or device thereto.
- (b) No person shall deliver or attempt to deliver to any property any printed matter, advertising sample, or device, where the owner or occupant has posted a sign clearly and obviously visible from an access way used by the handbill distributor which states in letters at least three-fourths of an inch in height on a contrasting background, "No Handbills," "Handbills Prohibited," or "No Handbills Allowed."
- (c) Any printed matter, advertising sample, or device that is delivered to private property must be distributed in such a manner that it will not be blown therefrom or carried by the wind.
- (d) Nothing in this chapter shall prohibit the leaving of any legal notice, including but not limited to a utility bill, utility shut-off notice, stop work notice, or other legal notice.

Sec. 9.08.040. Distribution on Property Without Regulation Deemed Nuisance-Penalties

Violations of any provision of this chapter shall be a misdemeanor and shall also constitute a public nuisance. In addition to any criminal enforcement, the City or any individual may pursue any available civil remedies deemed necessary. In a civil action, the prevailing party shall be able to recover reasonable attorneys fees.

SECTION TWO: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Los Altos hereby declares that it would have passed and adopted this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION THREE: Effective Date: This ordinance shall be effective on the thirty-first day after the date of its adoption.

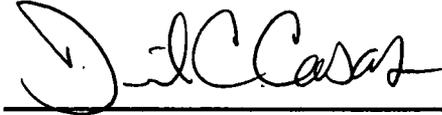
The above and foregoing ordinance was duly and properly introduced at the regular meeting of the Los Altos City Council held on January 25, 2005, and was thereafter, at a regular meeting of the Los Altos City Council held on February 8, 2005, duly passed and adopted by the following roll call vote:

AYES: COLE, MOSS, PACKARD, LEAR, CASAS, . . .

NOES: NONE

ABSENT: NONE

APPROVED:



David Casas, MAYOR

ATTEST:


Susan Kitchens, CITY CLERK